

AMENDED IN SENATE MAY 31, 2011

AMENDED IN SENATE MAY 3, 2011

AMENDED IN SENATE APRIL 25, 2011

SENATE BILL

No. 302

Introduced by Senator Yee

February 14, 2011

An act to add Section 60054 to, and to add and repeal Section 60053 of, the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 302, as amended, Yee. Instructional materials: social content reviews.

Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive. Existing law requires the ~~State Board of Education~~ *state board*, in reviewing and adopting instructional materials, to use specified criteria, and ensure that, in its judgment, the submitted basic instructional materials meet all of the specified criteria, including, but not limited to, compliance with the specified requirements and guidelines for social content.

This bill would require the state board to adopt regulations to govern the social content reviews conducted at the request of a publisher or manufacturer of instructional materials outside the primary instructional material adoption processes. The bill would require the state board to inform the Chairperson of the Assembly Committee on Education, the Chairperson of the Senate Committee on Education, and the ~~Secretary for Education~~ *Superintendent of Public Instruction* of content that it interprets to be the result of certain changes made to the Texas

Administrative Code. The bill would authorize the State Department of Education to contract with agents to conduct the specified social content reviews and require the department to assess a fee for the review that meets specified requirements, including notice to publishers and manufacturers. The bill would repeal these provisions on January 1, 2017.

This bill would require the state board, upon the next adoption of the history-social science curriculum framework, to ensure that the framework is consistent with specified provisions governing instructional materials.

This bill would also make specified findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The State Board of Education, among its other
- 4 responsibilities, is charged with adopting statewide academic
- 5 content standards in core and other curriculum areas.
- 6 (b) Despite other shortcomings in education funding, California
- 7 has some of the highest academic content standards in the United
- 8 States.
- 9 (c) Section 51204.5 of the Education Code requires instruction
- 10 of social sciences to include the early history of California and a
- 11 study of the role and contributions of both men and women, Black
- 12 Americans, American Indians, Mexicans, Asians, Pacific Island
- 13 people, and other ethnic groups to the economic, political, and
- 14 social development of California and the United States of America,
- 15 with particular emphasis on portraying the role of these groups in
- 16 contemporary society.
- 17 (d) Section 60040 of the Education Code requires the governing
- 18 boards, when adopting instructional materials for use in schools,
- 19 to include only instructional materials that accurately portray the
- 20 cultural and racial diversity of our society, including the
- 21 contributions of both men and women in all types of roles,
- 22 including professional, vocational, and executive roles, as well as
- 23 the role and contributions of Native Americans, African Americans,
- 24 Mexican Americans, Asian Americans, European Americans, and

1 members of other ethnic and cultural groups to the total
2 development of California and the United States, and finally, the
3 role and contributions of the entrepreneur and labor in the total
4 development of California and the United States.

5 (e) Section 60043 of the Education Code requires governing
6 boards, when adopting instructional materials for use in schools,
7 to require, when appropriate to the comprehension of pupils, that
8 textbooks for social science, history, or civics classes contain the
9 Declaration of Independence and the Constitution of the United
10 States.

11 (f) Section 60044 of the Education Code prohibits a governing
12 board from adopting instructional materials for use in schools that
13 contain any matter reflecting adversely upon persons because of
14 their race, color, creed, national origin, ancestry, sex, handicap,
15 or occupation, as well as any sectarian or denominational doctrine
16 or propaganda contrary to law.

17 (g) On March 12, 2010, the Texas State Board of Education,
18 which consists of 15 elected members statewide, voted to adopt
19 revisions to their social studies curriculum for the 2010–11 school
20 year (formally referred to as revisions to Texas Administrative
21 Code, Title 19, Chapter 113, Subchapters A-C, and Texas
22 Administrative Code, Title 19, Chapter 118, Subchapter A).

23 (h) It is widely presumed that the proposed changes to Texas’
24 social studies curriculum will have a national impact on textbook
25 content because Texas is the second largest purchaser of textbooks
26 in the United States, second only to California.

27 (i) As proposed, the revisions are a sharp departure from widely
28 accepted historical teachings that are driven by an inappropriate
29 ideological desire to influence academic content standards for
30 children in public schools.

31 (j) The proposed changes in Texas, if subsequently reflected in
32 textbooks nationwide, pose a serious threat to Sections 51204.5,
33 60040, 60041, 60043, and 60044 of the Education Code, as well
34 as a threat to the apolitical nature of public school governance and
35 academic content standards in California.

36 SEC. 2. Section 60053 is added to the Education Code, to read:

37 60053. (a) The state board shall adopt regulations to govern
38 the social content reviews conducted at the request of a publisher
39 or manufacturer of instructional materials outside the primary
40 instructional material adoption processes. A social content review

1 is intended to determine compliance with Sections 51204.5, 60040,
2 60041, 60042, 60043, 60044, 60048, 60200.5, and 60200.6, and
3 the guidelines for social content adopted by the state board.

4 (b) The state board shall inform the Chairperson of the Assembly
5 Committee on Education, the Chairperson of the Senate Committee
6 on Education, and the ~~Secretary for Education~~ *Superintendent of*
7 *Public Instruction* of content that it interprets is the result of
8 changes to the Texas Administrative Code, Title 19, Chapter 113,
9 Subchapters A-C, and Texas Administrative Code, Title 19,
10 Chapter 118, Subchapter A, that were approved on May 21, 2010,
11 once per year during years in which social content reviews are
12 conducted pursuant to this section.

13 (c) (1) For purposes of this section, social content reviews of
14 instructional materials shall be conducted by the department or its
15 agents for all instructional materials, as defined in subdivision (h)
16 of Section 60010.

17 (2) The department may contract with agents to conduct social
18 content reviews pursuant to this section.

19 (d) The department shall assess a fee on a publisher or
20 manufacturer in an amount that does not exceed the reasonable
21 costs to the department to conduct social content reviews pursuant
22 to this section. The publishers and manufacturers shall be provided
23 notice of the establishment of the fee.

24 (e) Revenue derived from fees charged pursuant to subdivision
25 (d) shall be budgeted as reimbursements and subject to review
26 through the annual budget process, and may be used to pay costs
27 associated with the social content review of instructional materials.

28 (f) This section shall remain in effect only until January 1, 2017,
29 and as of that date is repealed, unless a later enacted statute, that
30 is enacted before January 1, 2017, deletes or extends that date.

31 SEC. 3. Section 60054 is added to the Education Code, to read:

32 60054. Upon the next adoption of the history-social science
33 curriculum framework, the state board shall ensure the framework
34 is consistent with provisions governing instructional materials,
35 including, but not limited to, Sections 51204.5, 60040, 60041,
36 60042, 60043, 60044, 60048, 60200.5, and 60200.6.